

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
JAN 13 2004

OFFICE OF
MANAGING DIRECTOR

Jeremy Lansman, President
Fireweed Communications Corp.
3700 Woodland Drive, #800
Anchorage, AK 99517

Re: Fireweed Communications Corporation
Stations KYES(TV). KYEX-LP, and
KZND-LP, Anchorage, AL
FY 2003 Regulatory Fee
Fee Control No. 00000RROG-03-115

Dear Mr. Lansman:

This letter responds to your request dated September 22, 2003, submitted on behalf of Fireweed Communications Corporation, Anchorage, Alaska, for a waiver of the fiscal year (FY) 2003 regulatory fees for Stations KYES(TV). KYEX-LP, KZND-LP, Anchorage, Alaska (and translators and auxiliary stations), on the grounds of financial hardship.¹ Our records reflect that you have not paid the regulatory fees at issue here.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

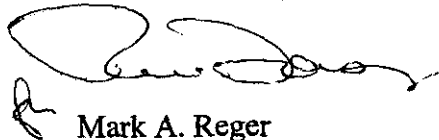
In a supplemental filing, you submit a copy of Fireweed's unaudited "Profit and Loss" statement for the period from January 1, 2003 through December 2, 2003. Fireweed's "Profit and Loss" statement indicates that Fireweed suffered a financial loss in the period from January 1, 2003 through December 2, 2003, which was only partially offset by depreciation, payroll expenses attributable to its principals, and expenses identified as "Miscellaneous." Given that Fireweed suffered a financial loss from January 1, 2003 through December 2, 2003, we grant your request for a waiver of the regulatory fee for FY 2003.

¹ Although you request a refund of the 2003 regulatory fee in your September 22, 2003 letter, in a subsequent communication you clarify that Fireweed has not submitted a fee for FY 2003 and that a refund is not requested.

You have also requested confidential treatment of the material that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that time.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a stylized flourish at the end.

Mark A. Reger
Chief Financial Officer